

## REMARKS

### **1. Introduction**

In the Office Action mailed January 21, 2004, the Examiner rejected claims 1-5, 9-15, 18, 33, 34, 37-43, 46-60, 63-66, 68, 70, 71, and 74-78 under 35 U.S.C. § 103(a) as being unpatentable over Criss et al., U.S. Pub. No. 2001/0029178 ("Criss") in view of Wecker et al., U.S. Patent No. 6,311,058 ("Wecker").

The Examiner rejected claims 6, 7, 35, 36, 61, 62, 72, and 73 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and in further view of Grewe et al., U.S. Patent No. 5,625,673 ("Grewe").

The Examiner rejected claims 16 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and in further view of Gombrich, U.S. Patent No. 4,916,441 ("Gombrich").

The Examiner rejected claims 17 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Shimura, U.S. Patent No. 5,754,624 ("Shimura").

The Examiner rejected claims 19-21, 67, and 69 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Wecker and in further view of Ausems et al., U.S. Patent No. 6,434,403 ("Ausems").

The Examiner rejected claims 22-25, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg, U.S. Patent No. 5,297,192 ("Gerszberg").

The Examiner rejected claims 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg and in further view of Grewe.

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg and in further view to Shimura.

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Criss in view of Gerszberg and in further view of Gombrich.

The Examiner indicated that claims 8, 28, 79, and 80 contained allowable subject matter but objected to these claims as being dependent upon rejected base claims.

For the reasons set forth below, Applicants respectfully request reconsideration and allowance of the claims, as amended.

## **2. Response to Rejections**

### **a. Claims 1-21 and 33-79**

Of these claims, claims 1, 33, 46, 51, 56, and 70 are independent. The Examiner rejected each of these independent claims under § 103(a) as being unpatentable over Criss in view of Wecker.

In response, Applicants submit that the Examiner has not made a *prima facie* case of obviousness because the Examiner has not identified a plausible rationale for why one of ordinary skill in the art would have been motivated to combine the teachings of Criss with the teachings of Wecker. The Examiner acknowledged that Criss does not disclose an interface for allowing an external display device to access at least one electronic file but, citing Wecker, alleged that it would have been obvious to modify the mobile terminal of Criss to provide such an interface. According to the Examiner, the motivation for this modification would have been “in order to synchronized [sic: synchronize] a downloaded file of the mobile terminal with a personal computer so that each can exchange information or share information with on [sic: one] another, as taught by Wecker et al.” One flaw in the Examiner’s argument, however, is that the downloaded file of the mobile terminal in Criss

is the mobile terminal's *operating software*, not information that would normally be stored on or accessed by a personal computer. (Criss, ¶¶ 75, 76). It is simply not plausible that one of ordinary skill would have been motivated to provide an interface in the mobile terminal of Criss so that the mobile terminal's operating software could be synchronized with a personal computer.

In any event, Applicants have amended independent claims 1, 33, 46, 51, 56, and 70 to make clear that the external display device can *selectively* access the electronic file. Support for this amendment may be found, for example, in lines 1-7 on page 21 of the specification. Moreover, the specification notes that the display device can access the wireless intelligent personal server in much the same way as it would access a server on a local area network. *See* p. 13, lines 13-17; p. 27, lines 7-14. In contrast, Wecker teaches file synchronization between a mobile device and a personal computer but does not teach using the personal computer to selectively access a file on the mobile device. Thus, with these amendments, independent claims 1, 33, 46, 51, 56, and 70 are clearly patentable over the combination of Criss and Wecker.

For at least the foregoing reasons, Applicants respectfully submit that claims 1-21 and 33-79, as amended, are allowable over Criss, Wecker, and the other prior art of record.

**b. Claims 22-32 and 80**

Of these claims, claim 22 is independent. The Examiner rejected claim 22 under § 103(a) as being unpatentable over Criss in view of Gerszberg.

In response, Applicants respectfully submit that the Examiner has misread Gerszberg, with the result that the rejection under § 103(a) is improper. In particular, the Examiner stated that "Gerszberg teaches a wireless telephone (fig. 2 number 22) in

communication with said wireless intelligent personal server (fig. 2 number 208).” However, Figure 2 of Gerszberg does not show any “number 22,” nor does it show a wireless telephone in communication with a wireless intelligent personal server. Instead, Figure 2 is a functional block diagram of a mobile data telephone set 200 (col. 4, lines 49-50), and “number 208” is a transceiver controller within radio transceiver 201, which, in turn, is part of mobile data telephone set 200 (col. 4, lines 52-53, 67).

As best as the Examiner’s statements can be understood, the Examiner may have intended to refer to number 212 in Figure 2, rather than to number 22. However, number 212 is simply a handset. Gerszberg does not disclose causing handset 212 to transmit an acknowledgement signal when a wireless intelligent personal server receives downstream data. To the contrary, Gerszberg teaches using radio transceiver 201 to transmit and receive signals (col. 4, lines 52-57). Thus, it would be radio transceiver 201, not handset 212, that would be transmitting the “ACK” acknowledgement signal to the cellular service provider (col. 5, lines 23-28). Indeed, handset 212 is reconnected to audio processor 213 only *after* the cellular service provider determines that the downloading operation has been successfully completed (col. 5, lines 32-39). Thus, the combination of Criss and Gerszberg fails to teach “said wireless intelligent personal server causes said wireless telephone to transmit an acknowledgement signal over a second wireless communications channel when said wireless intelligent personal server receives said downstream data,” as recited in claim 22.

For at least the foregoing reasons, Applicants respectfully submit that claims 22-32 and 80 are allowable over Criss, Gerszberg, and the other prior art of record.

2. **Conclusion**

Applicants submit that the present application is now in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, he is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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